

Presentation to Justice Systems Appropriations Subcommittee

IOWA JUDICIAL BRANCH BUDGET

FY 09 - FY 10

Overview of budget and impact of potential budget cuts

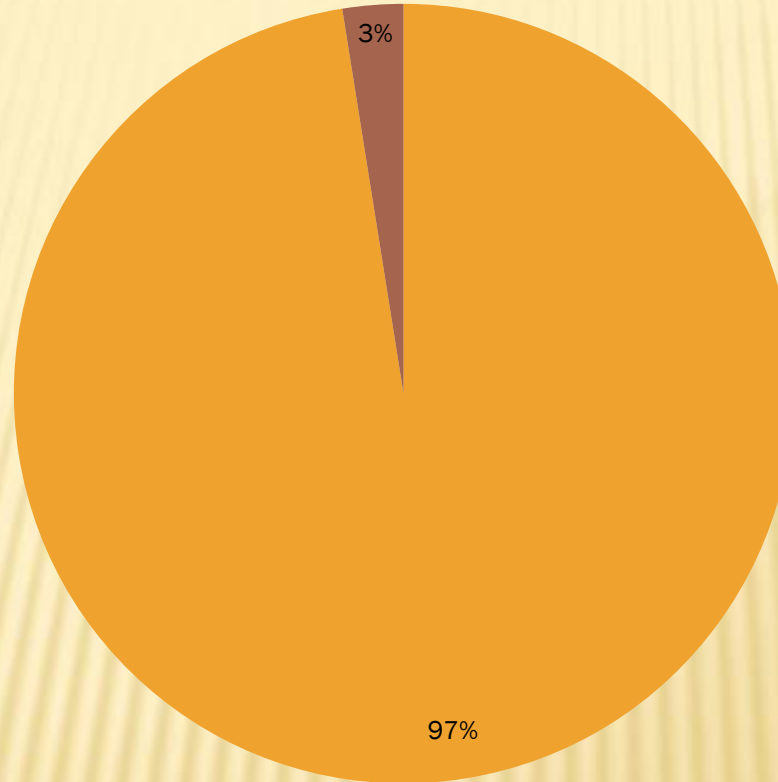
JUDICIAL BRANCH OPERATING BUDGET: FY 09 – FY 10

ENSURE THE FUNDAMENTALS OF GOVERNING

“There are some things that only government can do—and these things it must do well. . . . The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. . . . If we neglect this fundamental obligation to the people, we break trust with them, and ultimately, lose their confidence. And for government, public trust and confidence is everything. . . . We must ensure the fundamentals of governing our state, including the administration of justice, are strong, especially in tough times such as these.”

Chief Justice Marsha Ternus

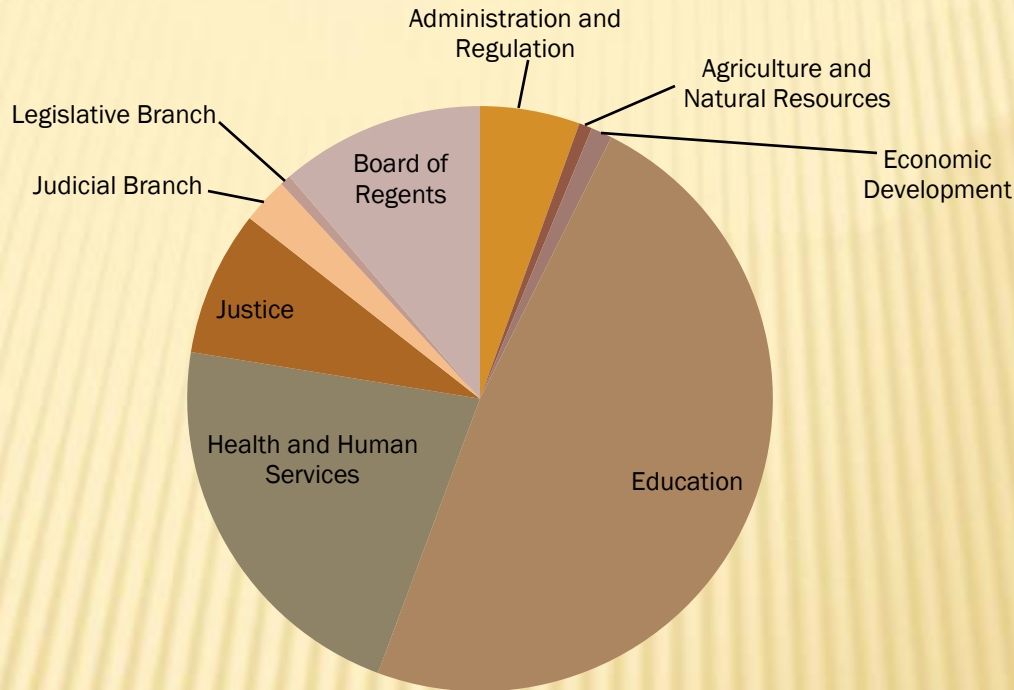
JUDICIAL BRANCH BUDGET AS PART OF TOTAL IOWA GENERAL FUND BUDGET



■ FY 09 Iowa General Fund Budget

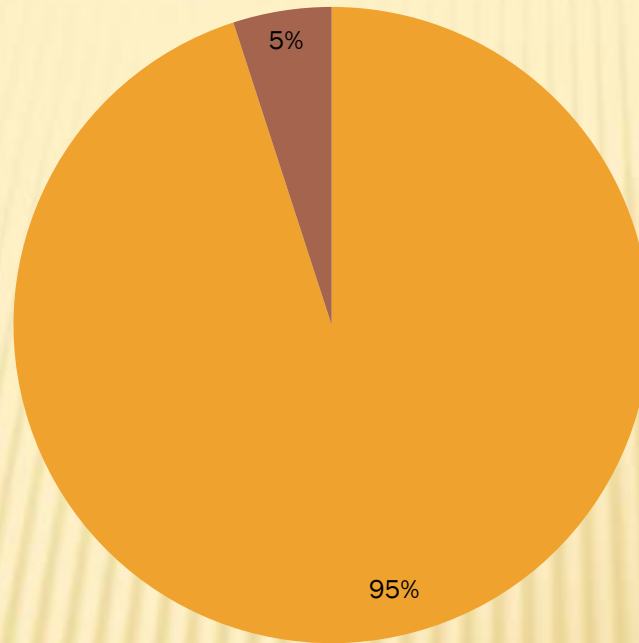
■ FY 09 Judicial Branch Appropriation

JUDICIAL BRANCH BUDGET COMPARED TO BUDGETS OF STATE AGENCIES AND PROGRAMS



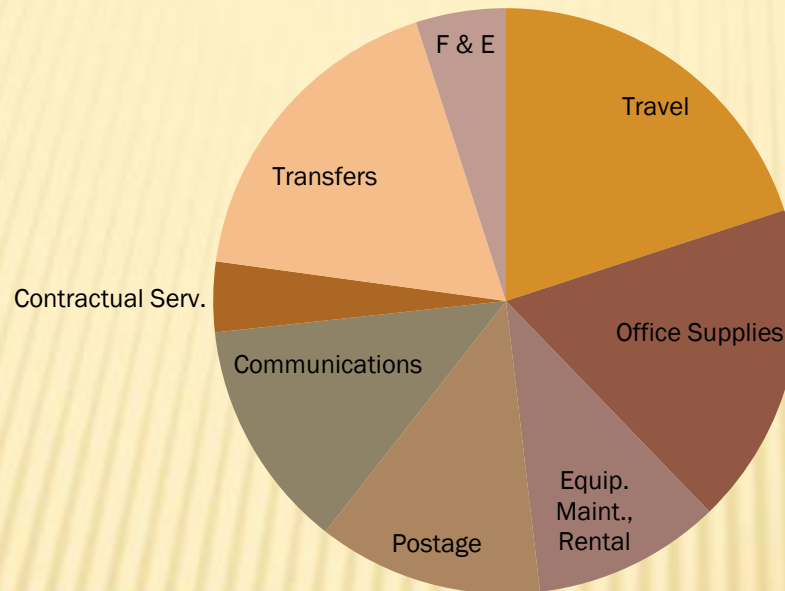
Education	\$2,958.4
Health and Human Services	\$1,341.6
Board of Regents	\$691.2
Justice	\$492.3
Administration and Regulation	\$338.3
Judicial Branch	\$152.4
Economic Development	\$72.3
Agriculture and Natural Resources	\$43.9
Legislative Branch	\$37.1
Total	\$6,130.9

JUDICIAL BRANCH PERSONNEL VS. NON-PERSONNEL COSTS



Personnel Costs	95%
Non-Personnel Costs	5%

JUDICIAL BRANCH NON-PERSONNEL COSTS



Travel*	\$1,587,538
Transfers**	\$1,419,561
Office Supplies	\$1,414,276
Communications	\$1,010,317
Postage***	\$987,153
Equipment Maintenance, Rental	\$823,608
Furniture & Equipment	\$394,942
Contractual Serv.	\$308,153
Total	\$7,945,548

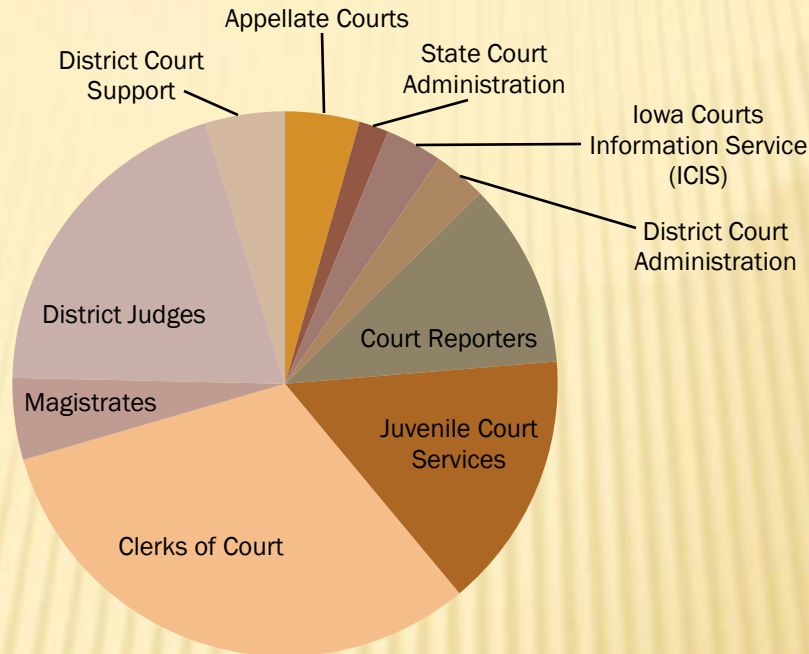
NON-PERSONNEL COSTS

* **Travel**—Nearly all travel expenses are for in-state travel. The bulk of in-state travel expenses are to ensure that all counties have the benefit of a district judge, district associate judge and a juvenile judge on a regular basis. Each judge has a court reporter. Many judges and court reporters car pool with each other. Juvenile court officers travel extensively to check on juveniles under the supervision of JCS and families of these juveniles. For FY 09, the budgeted travel costs for judges was \$339,704; Court Reporters, \$255,951; and Juvenile Court Officers, \$462,780.

** **Transfers**—The bulk of this expense constitutes fees the judicial branch must pay certain state agencies and offices for routine business services such as the state auditor, the Department of Administrative Services, and workers' compensation. The judicial branch provides significant amounts of data to many state and local agencies at no cost to these agencies. This data is essential for helping other agencies perform their duties.

*** **Postage**—Most of the judicial branch postage bill is tied to notices of court actions, hearings and orders that clerks must send. Such notices are required by law. The judicial branch has significantly pared down postage over the years by using email.

PERSONNEL COSTS



Clerks of Court	\$45,559,517
District Judges	\$28,786,478
Juvenile Court Services	\$22,045,339
Court Reporters	\$15,887,187
Magistrates	\$7,013,567
District Court Support	\$6,816,816
Appellate Courts	\$6,373,794
Iowa Courts Information Service	\$4,887,257
District Court Administration	\$4,529,044
State Court Administration	\$2,548,127
Total	\$144,447,126

2008 JUDICIAL FORMULA

✖ District judges

- + Current = 117
- + Demand per workload study = 148
- + Need = 31

✖ District Associate and Associate Juvenile Judges

- + Current = 71
- + Demand per workload study = 72
- + Need = 1

OTHER JUDICIAL OFFICERS

- ✕ Senior Judges*
 - + Currently = 32
- ✕ Part-time Magistrates**
 - + Currently = 152

*Senior judges are retired judges who work part-time. Senior judges receive a small stipend and medical insurance coverage and they are eligible for a retirement benefit enhancement.

**The State Court Administrator's Office is presently updating the magistrate formula.

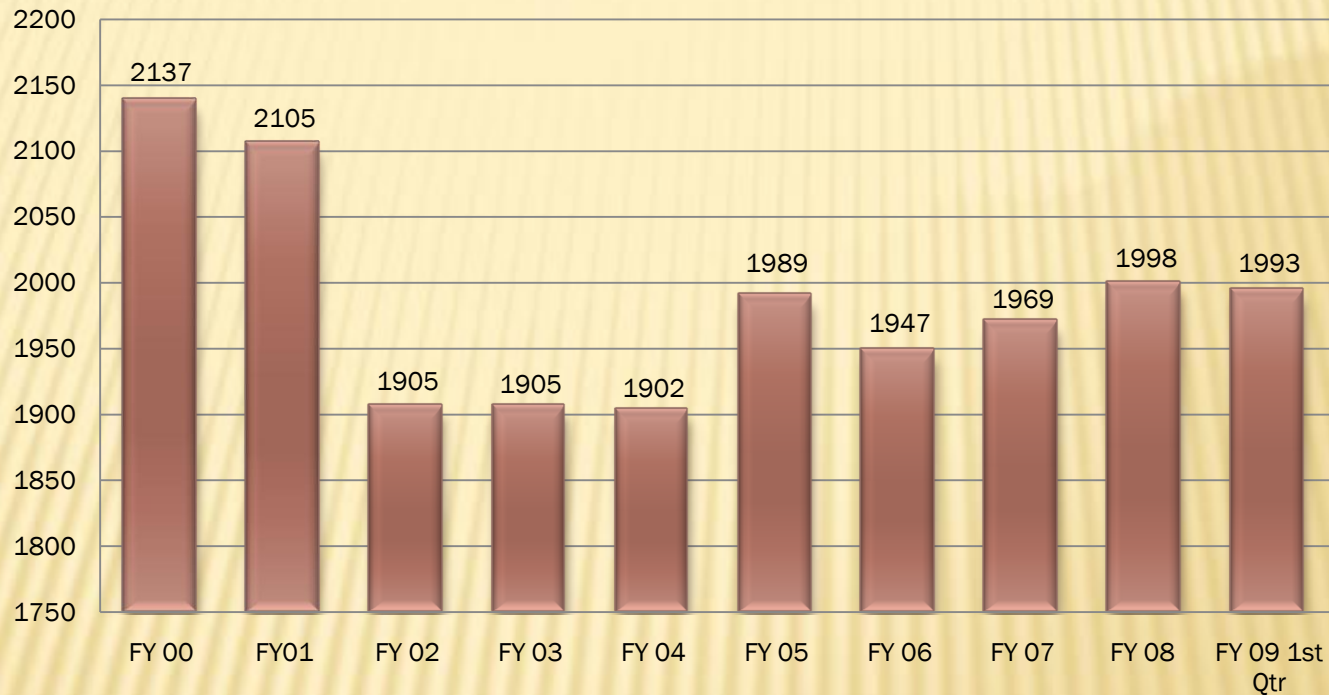
JUDICIAL BRANCH DISTRICT COURT STAFF

- ✖ Case Coordinators = 32(c); 39(s.r.)
- ✖ Clerks of Court = 739(c); 750(s.f)
- ✖ Court Attendants = 155(c); 175(s.r.)
- ✖ Court Reporters = 185(c); 188*
- ✖ District Court Administration = 37(c); 38(s.r.)
- ✖ District Law Clerks = 27 (c); 29 (s.r.)
- ✖ Juvenile Court Services = 277(c); 283(s.r.)

c = current staff; f = staffing formula; s.r. = staffing ratio; * Iowa Code section 602.6603 provides for one court reporter per district court judge

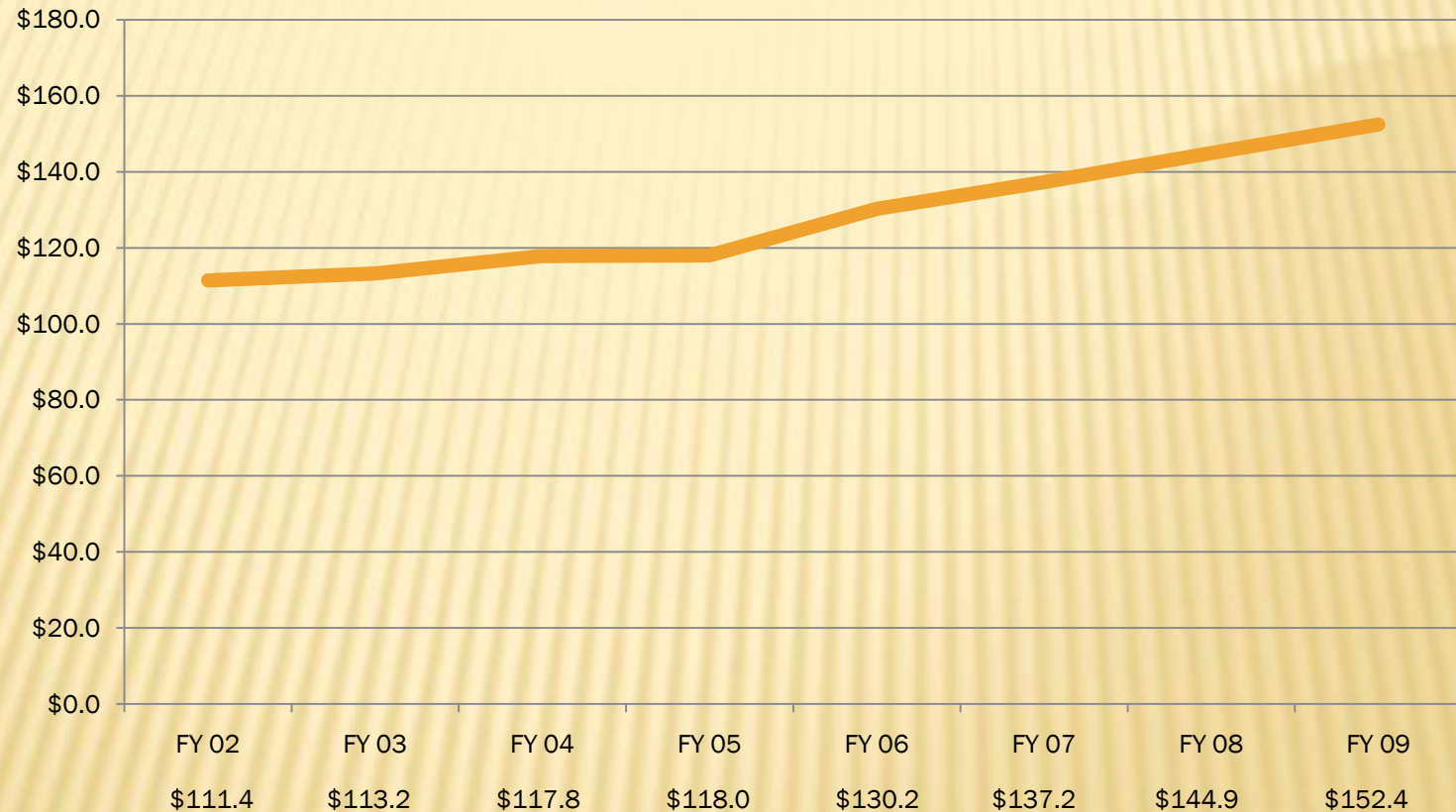
JUDICIAL BRANCH STAFFING LEVELS

FY 2000- 2009



JUDICIAL BRANCH OPERATING BUDGET HISTORY

FY 2000-2009



JUDICIAL BRANCH BUDGET: FY 09

- ✖ Base Budget = \$152,392,674
- ✖ Governor's proposed cuts
 - + FY 09 = 2.5% or \$3.8 million
 - + FY 10 = 6.5 % (below FY 09 adjusted) or \$12 million plus judicial branch must absorb salary adjustment expenses of approximately \$1.8 million = \$13.9 million

Iowa Judicial Branch Operating Budget

BUDGET CUTS: OPTIONS FOR FY09 & FY10

FY 09 BUDGET CUTS OPTIONS

- ✖ Mid-year cuts limit options for significant savings
- ✖ Cut non-personnel costs as much as possible
 - + Travel
 - + Furniture and Equipment
 - + Supplies
 - + Communications
- ✖ Temporary lay-offs

FY10 OPTIONS FOR COURT BUDGET CUTS*

- ✖ Reduce non-personnel costs
- ✖ Reduce travel
- ✖ Furloughs
- ✖ Use electronic equipment to record court proceedings**
- ✖ Layoffs
- ✖ Merge court offices

*The supreme court has made no decision about FY 10 budget cuts. The court will wait for the legislature to indicate what the judicial branch appropriation for FY 10 will be. This list is purely for the sake of illustration and does not represent any decisions or priorities for cuts.

**At the advice of the judicial council, the supreme court will organize a study of modern multi-track digital recording devices as a method for making a record of court proceedings. Even if, upon completion of this study, the court finds that digital recording is a viable option, the court anticipates implementation of digital recording would not begin until FY11 or later. (This information was added to this slide on February 24, 2009)

Iowa Judicial Branch Operating Budget

BUDGET CUTS: POTENTIAL IMPACT

IMPACT OF COURT BUDGET CUTS

- ✗ Overall impact = widespread delays for cases and services
- ✗ Some cases and services will be impacted more than others
- ✗ Courts will concentrate resources on cases in following priority:
 - + Criminal
 - + Juvenile
 - + Civil domestic relations/family law
 - + All other civil, including torts, contracts, probate

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts impact business transactions
 - + Delays entering judgment lien information needed by abstractors
 - + Delays processing garnishments
 - + Delays filing liens

IMPACT OF COURT BUDGET CUTS

- ✗ Civil case delays impact business
 - + 100,000 small claims
 - + 7,545 liens
 - + 13,537 cases for collection of private debt
 - + 3,616 tort claims
 - + 1,286 commercial contracts

cases filed in 2008

IMPACT OF COURT BUDGET CUTS

- ✕ Civil case delays impact housing problems
 - + 16,185 landlord/tenant cases
 - + 10,851 foreclosures

cases filed in 2008

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts impact children and families
 - + Slows down processing of child support payments
 - + Delays notice to law enforcement of protective orders
 - + Delays cases, including contempt actions to enforce orders
 - + Delays setting temporary and permanent support and custody/visitation orders

IMPACT OF COURT BUDGET CUTS

- ✗ Cuts impact children and families
 - + 9983 divorce and modification with children
 - + 5980 divorce and modification w/o children
 - + 6983 CSRU support actions
 - + 6490 paternity actions
 - + 1967 adoptions
 - + 6059 domestic abuse protection petitions
 - + 8360 civil protective orders

cases or orders filed in 2008

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts may impact juveniles and children
 - + Delays in processing juvenile restitution
 - + Delays responding to inquiries from school officials, law enforcement and families
 - + Less time for community collaboration
 - + Less time to visit with juveniles

IMPACT OF COURT BUDGET CUTS

- ✗ Cuts may impact work with children and juveniles
 - + 6000 juvenile delinquency cases
 - + 2000 juvenile commitment actions for substance abuse and mental health issues
 - + 37,000 juveniles handled by informal procedures without formal delinquency charges filed
 - + 4500 child-in-need-of-assistance cases
 - + 1800 termination of parental rights cases

cases filed in 2008

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts slow down activity to collect fines & fees
 - + Receipts to state FY 08 = \$128 million
 - + Receipts to cities & counties FY 08 = \$12 million
- ✖ Delays sending debt information to DOT, county treasurers, State Central Collections Unit, Revenue and Finance, county attorneys

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts impact criminal cases
 - + Delays for probation revocation hearings
 - + Delays for criminal hearings
 - + Delay of warrant updates
 - + Delays in processing scheduled violations
 - + Delays entering no-contact orders

IMPACT OF COURT BUDGET CUTS

- ✖ Cuts may impact criminal justice cases
 - + 16,513 felonies (except OWI)
 - + 18,179 OWI cases
 - + 10,600 indictable misdemeanors (except OWI)
 - + 3022 domestic abuse assaults
 - + 389,718 state traffic violations
 - + 66,556 other state simple misdemeanors
 - + 181,842 county and city ordinances
 - + 8900 criminal no-contact orders

cases or orders filed in 2008

IMPACT OF COURT BUDGET CUTS

- ✗ Cuts slow down data transfers to criminal justice agencies:
 - + Criminal case history to DPS
 - + Traffic conviction information to DOT
 - + Criminal and juvenile case data to CJJP
 - + Domestic abuse protection orders to DPS

IMPACT OF COURT BUDGET CUTS

- ✗ Cuts impact cities and counties
 - + Delays in criminal matters may mean prisoners sit in jail longer and these delays increase jail costs
 - + Decreases in fine collection activities will decrease county and city revenue
 - + Delays in judicial review of condemnation cases and civil infractions
 - + Delays processing mental health and substance abuse commitments may mean respondents stay longer in hospitals

FUND FUNDAMENTALS OF GOVERNING

“The time has come to make some hard choices about funding programs and expenses that people want and those that people need. Many institutions of government can make a case for why their work is important to lowans but how many can claim their work is indispensable to the function of governing? By the function of governing I mean the reasons we have government in the first place. Certainly expenses for recreational trails, historical exhibits, cultural performances, entertainment venues, economic development, historic preservation and library enhancements enrich the quality of life in our communities. I have no doubt that lowans want these types of programs. But are these expenses as fundamental and critical as ensuring civil justice, social order and public safety? No, they are not. They are, I’m sorry to say, frills we probably cannot afford as we face a situation that is being called the worst financial crisis since the depression.”

Chief Justice Marsha Ternus

Prepared by Iowa Judicial Branch February 6, 2009

SUPPORT A STATUS QUO BUDGET FOR COURTS